

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

226

CRM-M-10970-2020  
Decided on : 07.03.2022

Gurpreet Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** Mr. Munish Puri, Advocate  
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Deepti Rampal, Advocate and  
Mr. Manjeet Singh, Advocate  
for respondent Nos. 2.

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**VIKAS BAHL, J. (Oral)**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 54 dated 07.11.2018 registered under Sections 279,337, 338 and 427 of the Indian Penal Code,1860 registered at Police Station Sadar, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise.

When the matter came up before this Court on 07.02.2022, the following order was passed:-

**“CRM-941-2022**

*This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 22.07.2022 to an early date.*

*Notice in the application.*

*On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Ms. Deepali Rampal, Advocate appears on behalf of respondent No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 22.07.2022 to today.*

*In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main case is preponed from 22.07.2022 to today.*

**Main case**

*This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.54 dated 07.11.2018 registered under Sections 279/337/338/427 of the Indian Penal Code, 1860 at Police Station Sadar, District Pathankot (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).*

*Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.*

*Notice of motion for 07.03.2022.*

*On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Ms. Deepali Rampal, Advocate appears on behalf of respondent No.2.*

*The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.*

*The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-*

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*

4. *Whether the accused persons are involved in any other FIR or not?*
5. *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Pathankot to the Registrar (General) of this Court. The relevant portion of the said report is reproduced hereinbelow:-

*“After going through the statements and the file, I am satisfied that both the parties have got recorded their statements voluntarily with regard to the compromise. The parties got recorded their statements voluntarily and out of free will with regard to the compromise.*

*1. Apart from genuineness of compromise the Hon'ble High Court has sought information on certain points which are as below:*

***(i). Number of persons arrayed as accused?***

*Ans. As per statement of Investigating Officer ASI Rajesh Kumar No.1313/Ptk, as well as report under Section 173 Cr.P.C, there is only one accused namely Gurpreet Singh is involved in the present FIR.*

***(ii) Whether any accused is proclaimed offender?***

*Ans. As per statement of Investigating Officer ASI Rajesh Kumar No.1313/Ptk, as well as report under Section 173 Cr.P.C, no accused has been declared proclaimed offender in the present FIR.*

***(iii). Whether compromise is genuine, voluntary and without any coercion or undue influence?.***

*Ans. Both the parties have got recorded their statements*

*voluntarily and without any coercion or undue influence with regard to the compromise.*

**(iv) Whether the accused persons are involved in any other FIR or not?**

*Ans. As per statement of Investigating Officer ASI Rajesh Kumar No.1313/Ptk, as well as report under Section 173 Cr.P.C, except the present FIR no accused persons are involved in any other case.*

**(v). How many victims/complainant are there in the FIR?**

*Ans. As per statement of Investigating Officer Officer ASI Rajesh Kumar No.1313/Ptk, as well as report under Section 173 Cr.P.C, except the victim/complainant Ranjit Singh, no other victim/complainant in the present FIR.*

*Statements of complainant as well as accused are attached herewith.*

*This is for your kind perusal.*

*Submitted please.”*

A perusal of the said report would show that it has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioner has submitted that the petitioner was never declared proclaimed offender in the present case and is not involved in any other case.

Learned counsel for the State, as per instructions, has stated that these facts are correct.

Learned counsel for respondent No. 2 has reiterated the factum of compromise and has prayed for quashing of FIR on the basis of the same.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”***, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”***, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

*“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its*

*inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”*

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 54 dated 07.11.2018 registered under Sections 279,337, 338 and 427 of the Indian Penal Code,1860 registered at Police Station Sadar, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise, are ordered to be quashed, qua the petitioner.

(VIKAS BAHL)  
JUDGE

March 7<sup>th</sup>, 2022  
*Mehak*

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |